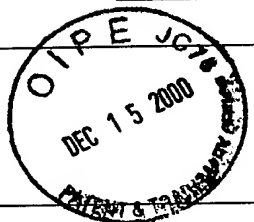


12-1800

CPA/37268

KCA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Docket No. **597.0022USX**  
Anticipated Classification of this Application  
Class: Subclass:  
Prior Application: **09/082,557** filed **May 21, 1998**  
Examiner: **Carter, R.** Art Unit: **3736**

1-17-01

#12

Box CPA  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

This is a request for filing a XX Continuation, or      Divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of pending prior application, Serial No. 09/082,557 filed on May 21, 1998 by Daniel Becker and Michael Steve Klicek for ELECTROSURGICAL GENERATOR POWER CONTROL CIRCUIT AND METHOD.

The above identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application (Note: Required for 37 CFR 1.53(d) requests).

This shall constitute a request to utilize the file jackets' contents of the prior application including the specification, drawings, and oath or declaration from the prior application to constitute the new application and to assign the new application the serial number of the prior application identified above for identification purposes.

Applicant(s): Becker et al.  
Application No.: 09/082,557  
Title: ELECTROSURGICAL GENERATOR POWER CONTROL CIRCUIT AND METHOD  
Correspondence Address: Charles N. J. Ruggiero, Esq.  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10th Floor  
Stamford, Connecticut 06901-2682

*Mark & Return*

1.      Enter the amendment previously filed on                      under 37 CFR 1.116 but unentered, in the prior application.

2. XXX An Information Disclosure Statement w/references is enclosed.

12/20/2000 SLUANG1 00000044 010467 09082557

01 FC:131		710.00 OP
02 FC:102		160.00 OP
03 FC:103	4.00 CH	122.00 OP

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3. \_\_\_\_\_ A petition for extension of time pursuant to 37 CFR 1.136 and 1.137 is hereby made if, and to the extent, required. The fee for this extension of time is calculated to be \$ 0.00 to extend the time for filing this response until \_\_\_\_\_.

4. The filing fee is calculated below:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$710.00
TOTAL CLAIMS	27 - 20 =	7	x \$18.00	\$126.00
INDEPENDENT CLAIMS	5 - 3 =	2	x \$78.00	\$156.00
MULTIPLE DEPENDENT CLAIM FEE			x \$260.00 = \$0.00	
TOTAL FILING FEE			\$992.00	
1/2 FILING FEE FOR SMALL ENTITY			N/A	

5. XXX A check in the amount of \$ 992.00 for the filing fee is enclosed.

6. XXX The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§1.16 and 1.17 which may be required with this communication or during the entire pendency of the application, or credit any overpayment, to **Deposit Account No. 01-0467**. A duplicate copy of this Form is enclosed.

7. XXX The inventors of this application are the XXX same as; \_\_\_\_\_ fewer than those in the prior application.

8. \_\_\_\_\_ Please delete \_\_\_\_\_ as inventor(s) in this application.

9. The power of attorney in the prior application is to: Charles N. J. Ruggiero

a. The power appears in the original papers in the prior application.:

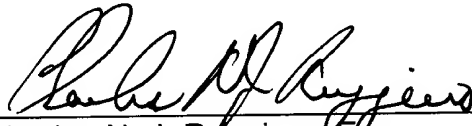
b. Address all future communications to **CHARLES N. J. RUGGIERO, ESQ.**  
**OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.**  
**ONE LANDMARK SQUARE, 10th FLOOR**  
**STAMFORD, CONNECTICUT 06901-2682**  
**Telephone: (203) 327 4500**  
**Telefax: (203) 327 6401**

10. XXX Priority of U.S. Application Serial No. 09/082,557 filed on May 21, 1998, which is a continuation of U.S. Application Serial No. 08/533,891 filed on September 26, 1995 and which issued as Patent No. 5,772,659, is claimed under 35 U.S.C. §120.

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

December 15, 2000

(Date)



Charles N. J. Ruggiero, Esq.

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.

Reg. No. 28,468

Telephone: (203) 327-4500

Telefax: (203) 327-6401

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Certificate No. **EL671084994US**, service under 37 CFR §1.10 and is addressed to: Box CPA, Assistant Commissioner for Patents, Washington, D.C. 20231, on December 15, 2000.

David L. Barnes

(Typed name of person mailing paper)

12/15/00

(Signature of person mailing paper)